



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Application of

Applicant(s)

: Horn et al.

Serial No.

: 10/766,457

Filed

: January 28, 2004

Title

: FLUORIMETRIC DETERMINATION OF ANALYTES BY

AN INTRAMOLECULAR QUENCHER-FLUOROPHORE CONJUGATE

Docket

: RDID 03021US (WP21395)

Art Unit

P.O. Box 1450

: TBD

Commissioner for Patents

Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING** 

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria,

VA 22313-1450 on August 4, 2004.

Sir:

Brian L. Smiler

Reg. No. 46,458

## <u>INFORMATION DISCLOSURE STATEMENT</u> <u>UNDER 37 CFR §§1.56, 1.97 & 1.98</u>

Applicants submit herewith patents, publications, and other information of which they are aware, which they believe may be material, as defined in 37 CFR §1.56(b), to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56(a). While the information referred to in this Information Disclosure Statement may be material pursuant to 37 CFR §1.56(b), the filing of this Information Disclosure Statement is not intended to, pursuant to 37 CFR §1.97(h), constitute an admission that any patent, publication, or other information referred to is, or is considered to be, material to the patentability of this invention. No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§102 & 103, and Applicants reserve the right, pursuant to 37 CFR §1.131 or otherwise, to establish otherwise. Further, pursuant to 37 CFR §1.97(g), the filing of this Statement should not be construed as a statement that a search has been made or that no other material information exists.

Serial No. 10/766,457

Docket No. 03021US (WP21395)

This Information Disclosure Statement is being filed within the period set forth in 37 CFR §1.97(b) because it is believed to be filed before the mailing date of a first office action on the merits.

The Office has waived the requirement pursuant to 37 CFR §1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC §371 after June 30, 2003. Therefore, no copies of each cited U.S. patent and each cited U.S. patent application publication are enclosed, but the cited U.S. patents and the cited U.S. patent application publications are listed on PTO/SB/08A&B. Also enclosed is a copy of the European Search Report dated June 22, 2004.

No additional fees are believed to be necessary, however, should any fees be deemed required, the Commissioner is authorized to charge such fees to Deposit Account 02-2958, but is not to include any payment of issue fees.

Respectfully submitted,

ROCHE DIAGNOSTICS OPERATIONS, INC.

Bv

Brian L. Smiler

Registration No. 46,458

9115 Hague Road, P.O. Box 50416

Indianapolis, IN 46250-0416 Telephone: (317) 521-3295

Facsimile: (317) 521-2883

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Sheet

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

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Complete if Known			
Application Number	10/766,457		
Filing Date	January 28, 2004		
First Named Inventor	Horn et al.		
Group Art Unit	TBD		
Examiner Name	TBD		
Attorney Docket Number	RDID 03021 US (WP21395)		

	U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No.1	Document Number Number-Kind Code <sup>2</sup> (If known)	Patent Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		4,558,130	12/10/85	Buckler et al.	
		4,656,141	4/7/87	Birks et al.	
		5,912,139	6/15/99	lwata et al.	
		6,468,753	10/22/02	Smith et al.	

Examiner Initials*	Cite No.1	Foreign Patent Document  Country Code <sup>1</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>4</sup>
		JP 63277680	11/15/88	Atsushi		
		EP 0 431 456 B1	11/28/90	Honet et al.		
		EP 0 574 769 B1	4/17/96	Blatt et al.		
		EP 0 620 283 A1	3/13/94	Hoenes		
		EP 0 190 740 B1	8/13/86	Mura et al.		
		WO 93/06487	4/1/93	Wilsey et al.		
		EP 0 831 327 B1	9/24/97	Heindl et al.		
		EP 0 441 222 A3	8/14/91	Hones et al.		
		WO 91/09139	6/27/91	Gerber et al.		

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Complete if Known Substitute for form 1449B/PTO **Application Number** 10/766,457 INFORMATION DISCLOSURE Filing Date January 28, 2004 STATEMENT BY APPLICANT First Named Inventor Horn et al. **Group Art Unit TBD** (use as many sheets as necessary) TBD **Examiner Name** RDID 03021 US (WP 21395) Sheet of **Attorney Docket Number** 

	<u> </u>	Z OI Z Audinoy Booker Humber   Noile 65021 66 (MT 21655)
		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published
		Ryabov, A D, Firsova, Y N, Ershov, A Y, Dementiev, I A. "Spectrophotometric kinetic study and analytical implications of the glucose oxidase-catalyzed reduction of [Mii (LL) <sub>2</sub> Cl <sub>2</sub> ]+ complexes by D-glocuse (M=Os and Ru, LL=2,2' –bipyridine and 1,10-phenanthroline type ligands), JBIC 1999, 4:175-182
		Woltman, S J, Even, W R, Weber, S G. "Chromatographic Detection Using Tris (2,2' – bipyridyl)ruthenium (III) as a Fluorogenic Electron- Transfer Reagent", Anal. Chem. 1999, 71, 1504-1512
		Haugland, R P, "Handbook of Fluorescent Probes and Research Chemicals", Molecular Probes, Sixth Edition, Chapter 10 – Section 10.5 Substrates for Miscellaneous Enzymes, pp 236-237
		Borchardt, R T, Cohen, L A, "Stereopopulation Control. III. Facilitation of Intramolecular Conjugate Addition of the Carboxyl Group", Journal of the American Chemical Society, 94:26, December 27, 1972, 9175-9182
		Song, A, Zhang, H, Zhang, M, Shen, T. "Photophysical properties of polyads containing a fluorescein moiety", Dyes and Pigments 42 (1999) 149-158
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